

REMARKS

The Examiner objected to claims 16-18 and 20-24 because there is not a correlation between means limitations and structure of the specification. The applicant submits that the means recited in claims 16 and 20 are easily identifiable from the specification of the application. The application discloses only one embodiment. The embodiment includes a filter 48 that correlates to filter means, an input luer 52 that corresponds to input means and a flow restrictor 58 that corresponds to flow restrictor means. The terminology disclosed in the specification directly correlate to the corresponding means limitations recited in the claims. The application therefore submits that claims 16-24 comply with 35 U.S.C. §112.

The Examiner rejected claims 1, 5, 7, 11, 12, 16, 20 and 22 under 35 U.S.C. §102(e) as being anticipated by Easley. To anticipate a claim all of the elements and limitations of a claim must be explicitly or inherently disclosed in the four corners of the reference.

Independent claims 1, 16 and 20 recite a flow restrictor and flow restrictor means that create a non-linear relationship between fluid pressure and fluid flowrate in a range of fluid pressures. Easley does not disclose such a limitation. Easley is silent as to the relationship between flowrate and pressure. Figure 6 of Easley discloses variations in pressure for different modes of operation. Easley does not disclose whether the orifice will create a non-linear relationship in a range of fluid pressures.

Independent claim 5 recites a filter having a diameter no greater than twice the diameter of the input luer. Easley does not disclose this limitation. Although patent drawings cannot be used for scale, it would appear from Figure 3 that the filter is more than twice the size of the input luer.

Claim 11 recites a filter pressed into the input luer. Easley also lacks this limitation.

The Examiner rejected claims 1, 3-7, 9-12, 14-16, 18-22 and 24-25 under 35 U.S.C. §102(b) as being anticipated by Beuchat. Like Easley, Beuchat also lacks a disclosure of a non-linear flow restrictor, filter twice the size of the input luer, and a filter pressed into the input luer. Additionally, Beuchat discloses a filter that is downstream from a flow restrictor not upstream from the restrictor as recited in claims 1, 16 and 20.

The Examiner rejected claims 2, 8, 13, 17 and 23 under 35 U.S.C. §103(a) as being unpatentable over Easley. The Examiner states that utilizing the range of .1 to 1 mm would be a mere design choice. The Examiner further states that the applicant does not disclose the advantage of using such a range. The applicant would like to direct the Examiner's attention to page 9, lines 16-21 of the above-entitled application. As discussed in this portion of the application, a diameter range of .1 to 1 mm will provide the effect shown in Figs. 3 and 4 when fitted with conventional aspiration tubing. Easley does not disclose a flow restrictor diameter range of .1 to 1 to create the non-linear flow effect recited in claims 1, 16 and 20. The applicant therefore submits that Easley does not render obvious claims 2, 8, 13, 17 and 23.

The Examiner rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Easley in view of Beuchat. As mentioned above, neither Easley nor Beuchat disclose a non-linear flow restrictor, a filter twice the size of an input luer, or a filter pressed into the input luer. Additionally, neither reference teaches these limitations.

The Examiner rejected claims 1, 5, 7, 11, 12, 16, 20 and 22 under 35 U.S.C. §103(a) as being unpatentable over Ureche, in view of Easley. Independent claims 1, 16 and 20 recite a non-collapsible flow restrictor. Ureche discloses a flow restrictor where the walls collapse to vary the fluidic resistance of the system. The constant collapsing and cycling of the wall can reduce the lifecycle of the product in the Ureche references. This is to be distinguished from

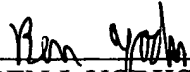
claims 1, 16 and 20 which recite a non-collapsible flow restrictor. Additionally, Ureche does not teach or suggest to integrate the flow restrictor into a unit that also has a filter.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the objection and rejections is requested. Allowance of claims 1-25 at an early date is solicited.

Respectfully submitted,
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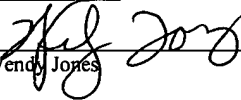
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3/23/04
Date